

DUTY STATEMENT

DS 3022 (10/2021)

DEPARTMENT OF DEVELOPMENTAL SERVICES**OFFICE OF THE DIRECTOR
OFFICE OF LEGAL AFFAIRS****DUTY STATEMENT****JOB TITLE:** Attorney IV (Senior Staff Counsel)**POSITION # 472-543-5780-004**

POSITION DESCRIPTION: While acting under the general direction of the Chief Counsel and Assistant Chief Counsel, an Attorney IV independently performs the most complex and sensitive legal work in the Office of Legal Affairs. The Attorney IV represents the Department in proceedings before courts and administrative bodies throughout the state, and coordinates with other state agencies, including the Attorney General's office, where the Department is a party. The Attorney IV provides legal counsel to the Department's various divisions and devotes particular focus on issues pertaining to admissions of individuals judicially committed to Department facilities and developing expertise in this area of the law. The Attorney IV meets and works collaboratively with program staff, executive management, and with outside groups and entities as needed. The Attorney IV handles or serves as the lead on the most challenging probate conservatorships, transactional matters, legislative analysis, and civil and administrative litigation. The Attorney IV assists and serves as a lead in the drafting and development of regulations promulgated by the Department. The Attorney IV will also assist in, coordinate and serve as a lead in drafting trailer bill language.

The Attorney IV must be able to interact independently, professionally and courteously with Department leadership, managers and staff, other government agencies, and outside stakeholders. The position requires moderate to frequent travel.

SUPERVISION RECEIVED: Reports directly to the Chief Counsel and Assistant Chief Counsel.

SUPERVISION EXERCISED: The Attorney IV does not directly supervise any staff but may act in a lead capacity with an Attorney I and Attorney III.

WORKING CONDITIONS: Individual offices.

EXAMPLES OF DUTIES:Essential Job Functions:

45% Provides direct house counsel support and legal advice to Department programs on the most complex issues in a wide variety of legal areas, particularly those relating to

the Lanterman Developmental Disabilities Services Act (Lanterman Act) and other laws affecting individuals with disabilities;

Effectively represents and advocates for the Department in the Superior Courts in the most complex conservatorship of the person and/or estate matters;

Coordinates litigation strategy and discovery with the Attorney General's office in lawsuits where the Department is a party or has an interest, particularly in cases involving individuals judicially committed to a Department facility;

Effectively represents and advocates for the Department in the most complex administrative matters before the Office of Administrative Hearings and the State Personnel Board;

Collaboratively works with and assists Department attorneys, administrators, managers, supervisors, investigators and employees, and those at other State agencies, including the California Health and Human Services Agency as appropriate;

Prepares various legal documents including, but not limited to, legal briefs, opinions, policies, and, contracts pertaining to the most complex issues facing the Department;

Reviews, analyzes and responds to disputes related to Department audits of Regional Centers and vendors pursuant to the Lanterman Act and Title 17 regulations;

Reviews and analyzes proposed legislation;

Evaluates and responds to record requests made pursuant to the California Public Records Act and information requests from stakeholders, specifically with an emphasis on requests pertaining to the Department's State Operated Facilities. Division

20% As the Department's subject matter expert, the Attorney IV will work collaboratively with other stakeholders in the legal system and educate them on the options available to the I/DD population involved in the criminal justice system and/or subject to a civil commitment. The Attorney will assist and work with the courts, district attorneys, public defenders, regional centers and other interested parties in navigating competency to stand trial issues and civil commitment matters. The Attorney will effectively represent and advocate for the Department in judicial proceedings related to commitment of individuals to Department facilities. The Attorney will handle key aspects of the Department's compliance with court orders governing admission to Department facilities. The Attorney will coordinate a statewide response on issues pertaining to new legal requirements imposed as a result of state and federal litigation, including responding to Orders to Show Cause, educating stakeholders on the process, and assisting in Department budget planning to ensure DDS meets its legal requirements.

20% Assist with and serve as a lead in the drafting and development of regulations promulgated by the Department;

10% Assist in, coordinate, and serve as a lead in drafting trailer bill language, often performing these duties under significant time constraints.

5% Serves as the Attorney of the Week (AOW) on a rotating basis. The AOW is responsible for handling subpoenas and other legal documents served on the Department, its Director, managers and/or employees. The AOW also responds to phone inquiries from other public agencies, attorneys, and members of the public. In the absence of the Chief Counsel and Assistant Chief Counsel, may serve as the Acting Chief Counsel and performs all duties associated therewith.

While the Attorney IV will perform assignments with varying and increasingly difficulty, the incumbent must be able to adhere to the following job requirements, which do not vary based upon experience:

- Maintain normal and consistent work hours, averaging 40 hours per week. Work in excess of 40 hours is expected when necessary to complete assignments in a timely manner. Attorneys are expected to be available to clients during business working hours, unless official state business requires them to be elsewhere. Attorneys are required to maintain individual and master Outlook calendars and obtain supervisory approval for time spent away from the office that exceeds ninety (90) minutes. Attorneys acting as the AOW must be available during business hours or arrange for alternative coverage from another Department attorney.
- Communicate effectively and audibly in person, and in writing through the use of documents and electronic devices, such as tablets and cell phones. Attorney must be proficient in Microsoft Word, Microsoft Teams, Zoom, Outlook, Adobe, Westlaw and any other electronic program necessary to fulfill office requirements and functions.
- Moderate to frequent statewide travel is required, which will often include overnight stays. Travel will sometimes require the transportation of legal files and documents in file boxes that may weigh up to fifty (50) pounds. Multiple boxes may be required in some circumstances.
- Work on a Department issued personal computer, tablet or laptop and keyboard up to 80% of the time to conduct legal research and to prepare all written product.
- Timely open and close assigned cases and maintain case files on all assigned matters.
- Submit updated monthly reports to the Chief Counsel.
- Handle multiple tasks and effectively prioritize workloads.
- The incumbent must maintain active membership in the California State Bar and comply with the California Rules of Professional Conduct at all times.